IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.238 OF 2003

Mr. Jose Casmiro Viegas,
major, resident of
House No.222, Taleigao, Ilhas, Goa. ..... Petitoner.

V/s.

1. State of Goa,
through its Chief Secretary,
having office at the Secretariat,
Panaji, Goa.

2. Goa University, through
its Registrar, with its Office at
Bambolim, Ilhas, Goa. ..... Respondents.

Mr. S.D. Lotlikar, Sr. Advocate with Mr. A.D. Bhobe,
Advocate for the petitoner.

Mrs. A.A. Agni, Advocate for the respondent No.2.

CORAM : F.I. REBELLO, J

DATE : JUNE 20, 2003.

ORAL JUDGMENT :

Rule. Respondents waive service. Heard forthwith.

2. After considering the impugned order, to my mind, the issue regarding mesne profits can also be inquired into even after the Judgment has been passed. In the light of that, learned Court ought to have allowed the amendment. Even if it was the case of the respondent that it was barred by limitation, the question as to the extent of what mesne profits could

be awarded should have been left for consideration. In the light of that, the following order :

The impugned order dated 21.4.2001 is set aside. Civil Misc. Application No.275/2000/A allowed with further direction that the issue of limitation is left for consideration by the trial Court. Rule accordingly. No order as to costs.

F.I. REBELLO, J.

ssm.